

रजिस्ट्रेशन नं० पी० ६७



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिमला, बुधवार, ११ दिसम्बर, १९६८/२० अग्रहायण, १८६०

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**GOVERNMENT OF HIMACHAL PRADESH**

**VIDHAN SABHA SECRETARIAT**

**NOTIFICATION**

*Simla-4, the 9th December, 1968*

**No. 1-70/68-VS.**—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly 1964, the following two Bills as introduced in the Legislative Assembly on the 9th December, 1968 are hereby published in the Himachal Pradesh

Government Gazette:—

1. The Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Bill, 1968 (Bill No. 51 of 1968).
2. The Punjab Land Revenue (Himachal Pradesh) (Amendment) Bill, 1968 (Bill No. 52 of 1968).

SURENDRANATH,  
*Under Secretary.*

Bill No. 51 of 1968

**THE HIMACHAL PRADESH (TRANSFERRED TERRITORY)  
TENANTS (PROTECTION OF RIGHTS) (AMENDMENT)  
BILL, 1968**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*to amend the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Act, 1968.*

BE it enacted by the Legislative Assembly of the Union territory of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Act, 1968.

Short title  
and com-  
mencement.

(2) It shall be deemed to have commenced with effect from the date on which the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Act, 1968 (hereinafter referred to as the principal Act) came into force.

13 of 1968

2. In section 2 of the principal Act, after clause (a), the following new clause shall be inserted, namely:—

Amendment  
of section 2.

“(aa) ‘Court’ includes a Revenue Court as well as a Revenue Officer;”

3. In the principal Act, for the word ‘holding’ wherever it occurs, the word ‘tenancy’ shall be substituted.

Substitution  
of the word  
‘holding’ in  
principal  
Act.

## STATEMENT OF OBJECTS AND REASONS

In order to curb the growing tendency amongst the landowners in the transferred territory of Himachal Pradesh to eject or dispossess tenants from their tenancies, the Himachal Pradesh Government enacted a law called the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Act, 1968 (Act No. 13 of 1968). Some complications are being experienced in the practical application of this Act with the use of words 'Court' and 'Holding'.

Under the existing tenancy laws, suits/applications, etc. for ejectment of tenants are instituted either in a Revenue Court or before a Revenue Officer which are technically not covered under the word 'Court'. It is, therefore, necessary to define the word 'Court' to include 'Revenue Court' and 'Revenue Officer'.

Similarly, the word 'Holding' has created practical complication as neither it has been defined in the Act itself nor it has been defined in the Punjab Security of Land Tenures Act, 1953 and the Pepsu Tenancy and Agricultural Lands Act, 1955, where the word used is 'tenancy'. It is, therefore, also necessary to substitute the word 'holding' by the word 'tenancy'. This amendment Bill seeks to achieve the aforesaid objects.

SIMLA:  
The 9th December, 1968.

LAL CHAND PRARTHI,  
*Revenue Minister.*

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## FINANCIAL MEMORANDUM

Nil

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## MEMORANDUM ON DELEGATED LEGISLATION

Nil

Bill No. 52 of 1968

**THE PUNJAB LAND REVENUE (HIMACHAL PRADESH  
AMENDMENT) BILL, 1968**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A  
BILL

*to amend the Punjab Land Revenue Act, 1887 in its application to the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.*

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Land Revenue (Himachal Pradesh Amendment) Act, 1968.

Short title  
and com-  
mencement.

(2) It shall come into force at once.

2. For sub-section (1) of section 150 of the Punjab Land Revenue Act, 1887, as in force in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, the following sub-section shall be substituted, namely:—

Amendmen  
of section  
150 of  
Punjab Act  
No. 17 of  
1887.

“(1) Where Government land or land which has been reserved for the common purposes of the co-sharers therein, has been encroached on by any person or any co-sharer, as the case may be, a Revenue Officer may, of its own motion or on the application of any other co-sharer eject the encroaching person from the land and, by order proclaimed in manner mentioned in section 22, forbid repetition of the encroachment.”

## STATEMENT OF OBJECTS AND REASONS

The Punjab Land Revenue Act, 1887 (17 of 1887) is in force in the transferred territory of Himachal Pradesh. There is no provision in the said Act to take action against a person who encroaches upon the Government land. In the absence of such provision, there is a growing tendency amongst the people in the said territory to encroach upon the Government land and this tendency has assumed serious proportions. This Bill seeks to make the required provision in the said Act.

SIMLA:

The 9th December, 1968.

LAL CHAND PRARTHI,  
*Revenue Minister.*

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## FINANCIAL MEMORANDUM

Nil

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## MEMORANDUM ON DELEGATED LEGISLATION

Nil